IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7628 OF 2005

Shri Madhukar Nana Gurav ..Petitioner

Vs.

Shri Houserao Baburao Gurav ..Respondent

Mr.Sandesh D.Patil for the petitioner

CORAM : S.U.KAMDAR, J
DATED : 16TH NOVEMBER, 2005

P.C.:

. The present Writ Petition is filed challenging the order dt.22.9.05 passed in Appeal No.17 of 2004 before the Joint Charity Commissioner, Kolhapur Region, Kolhapur. The only ground on which the said order is challenged is that the change report accepted by the learned Asst. Charity Commissioner being 904 of 2001 dt.20.03.2004 is erroneous because the Adoption Deed relied upon by the Respondent is invalid in law. In an appeal arising from the order of the Assistant Charity Commissioner, the learned Joint Charity Commissioner has in the impugned order held

that the Jurisdiction of the Charity Commissioner under Section 22 of the Bombay Public Trust Act to accept or not to accept the change report is limited and validity of the title document cannot be gone into. In para 10 of the order, the Joint Charity Commissioner has expressly held that the issue as to the validity of the Adoption Deed can be determined by Civil Court. The learned counsel for the petitioner states that the Civil Suit is pending before the learned Civil Judge, Junior Division, District Kolhapur. If it is so, then the issue as to the validity of the Adoption Deed can be determined by the said court and in the event if the Petitioner succeeds then the Petitioner will be able to apply for rectification of the entry which has been accepted by the change report by the impugned order. With the aforesaid, Petition is disposed of accordingly. No order as to costs.